

Message

From: Thomas, Deb [thomas.debrah@epa.gov]
Sent: 2/25/2016 2:38:12 PM
To: Russo, Rebecca [Russo.Rebecca@epa.gov]
Subject: Re: CFAC

Great! Thank you.

On Feb 24, 2016, at 3:29 PM, Russo, Rebecca <Russo.Rebecca@epa.gov> wrote:

It went fine. I don't think they were aware that Mike just met with City Council. He reached back out to City Council today and they indicated they have no additional questions. We offered some additional community outreach (e.g., fact sheets maybe) and they really liked that idea.

Rebecca A. Russo
Region 8 Congressional and Intergovernmental Liaison
Office: 303-312-6757
Cell: 303-204-1930

From: Thomas, Deb
Sent: Tuesday, February 23, 2016 8:48 AM
To: Russo, Rebecca <Russo.Rebecca@epa.gov>
Subject: Re: CFAC

Hi Rebecca,
Thanks for getting this call set up so quickly. I will not be joining the call. Please let me know how it goes. Deb

On Feb 23, 2016, at 6:31 AM, Russo, Rebecca <Russo.Rebecca@epa.gov> wrote:

We're on for 4pm. I'll get a room and send out an invite when I get to the office.
Thanks everyone.

Sent from my iPhone

On Feb 22, 2016, at 9:40 PM, Russo, Rebecca <Russo.Rebecca@epa.gov> wrote:

Please pencil it in. I'll reach out to Erik to ensure it works for them.
Thanks.

Sent from my iPhone

On Feb 22, 2016, at 8:52 PM, Peterson, Cynthia
<Peterson.Cynthia@epa.gov> wrote:

Me, too.

Cynthia

Sent from my EPA iPhone

On Feb 22, 2016, at 8:22 PM, Cirian, Mike
<Cirian.Mike@epa.gov> wrote:

Works for me.

Mike C.

Sent from my iPhone

On Feb 22, 2016, at 5:11 PM, Russo, Rebecca
<Russo.Rebecca@epa.gov> wrote:

Would 4pm mountain
work for everyone? If
so, I'll run it by Erik and
Chad.

Thanks.
Rebecca

Rebecca A. Russo
Region 8 Congressional
and Intergovernmental
Liaison
Office: 303-312-6757
Cell: 303-204-1930

From: Cirian, Mike
Sent: Monday,
February 22, 2016 4:52
PM
To: Russo, Rebecca
<Russo.Rebecca@epa.gov>; Peterson, Cynthia
<Peterson.Cynthia@epa.gov>; Faulk, Libby
<Faulk.Libby@epa.gov>
; Vranka, Joe
<vranka.joe@epa.gov>;
Madigan, Andrea
<Madigan.Andrea@epa.gov>
Cc: Levine, Carolyn
<Levine.Carolyn@epa.gov>; Smith, Paula

<Smith.Paula@epa.gov
>; Thomas, Deb
<thomas.debrah@epa.
gov>

Subject: RE: CFAC

I'm available until 9:30
am or after 11:00 until
1:00 pm or after 4:00
pm

Mike C.

Mike Cirian, PE
Libby On-site Project
Manager
US EPA
108 East 9th Street
Libby, MT 59923
(406) 293-6194 Office

From: Russo, Rebecca
Sent: Monday,
February 22, 2016 4:37
PM

To: Peterson, Cynthia
<Peterson.Cynthia@ep
a.gov>; Faulk, Libby
<Faulk.Libby@epa.gov>
; Vranka, Joe
<vranka.joe@epa.gov>;
Cirian, Mike
<Cirian.Mike@epa.gov>
; Madigan, Andrea
<Madigan.Andrea@epa
.gov>

Cc: Levine, Carolyn
<Levine.Carolyn@epa.g
ov>; Smith, Paula
<Smith.Paula@epa.gov
>; Thomas, Deb
<thomas.debrah@epa.
gov>

Subject: FW: CFAC

Hi all,
Erik Nylund (Senator
Tester's staff) would
like a call tomorrow to
discuss the information
Whitney sent him last
week (re-attached
below) and to discuss

community
outreach. I'm happy to
take his call to *gather*
his questions, but we
will want a larger
conference call to
actually *address* his
questions. I can try to
set that up tomorrow
with Mike Cirian, Joe
Vranka, Andrea
Madigan, Cynthia
Peterson... anyone
else? Or I can simply
gather his questions
tomorrow and set up
the larger call for a later
date.
Let me know what
approach you prefer.

Thanks,
Rebecca

1. <!--[if
!supportLists]--
><!--[endif]--
>**Does the CFAC
site qualify for
the Superfund
alternative
approach?**

EPA is taking a hard
look at the eligibility
criteria for the
Superfund Alternative
Approach to
determine whether
the CFAC site meets
the eligibility
criteria. The agency
is gathering additional
information from
CFAC to determine
whether the CFAC
site meets the
eligibility criteria.

2. <!--[if
!supportLists]--
><!--[endif]-->**If
so, is the**

**Alternative
Approach a
faster and
better method
than the
traditional
NPL/Superfund
approach?**

The Superfund Alternative Approach may not result in a faster and better method than the traditional Superfund/NPL approach at the CFAC site. The Superfund Alternative Approach uses the same investigation and cleanup process and standards as if the site were listed on the NPL. The first phase of the remedial process --the remedial investigation/feasibility study-- is currently underway. The CFAC site has been proposed for NPL listing, and the Superfund Alternative Approach could delay cleanup if the potentially responsible party (ies) become unwilling or unable to perform work and EPA needs federal funding to implement the selected remedy.

3. <!--[if !supportLists]--><!--[endif]-->**What are the advantages of the Alternative approach?**

Some responsible parties prefer that a site be addressed through the Superfund process without NPL listing and are willing to agree to use the same response techniques, standards, and guidance and to achieve comparable cleanup levels. The Superfund Alternative Approach provides EPA with a mechanism to accommodate this preference.

4. <!--[if !supportLists]--><!--[endif]-->**What are the drawbacks of the Alternative approach?**

EPA has proposed the CFAC site for NPL listing, and the Superfund Alternative Approach could delay cleanup if the potentially responsible party (ies) become unwilling or unable to perform work and EPA needs federal funding to implement the selected remedy. EPA is prohibited by federal law from tapping federal Superfund monies to pay for the cost of implementing the remedy at sites that are not listed on the NPL. As such, EPA would need to finalize the proposed rule to

add the site to the NPL to access federal funding. In addition, EPA's rulemaking to add the list to the NPL could be challenged in federal court. These activities likely would delay cleanup.

5. <!--[if !supportLists]--><!--[endif]-->**>Who makes the decision as to which approach is used? Is there public comment/input on this approach?**

The decision to adopt the Superfund Alternative Approach will be made by the EPA, and is not subject to public comment. Although there is no formal public comment period, the agency is always willing to hear from the community and other interested parties. In making this decision, EPA would confer with the State of Montana.

6. <!--[if !supportLists]--><!--[endif]-->**>If the alternative approach is selected and Glencore/C FAC "walks away" after testing is completed,**

**what happens?
Does EPA than
have to start
the NPL process
all over or does
it get listed and
Superfund
procedures
started?**

If EPA approved the Superfund Alternative Approach for the CFAC site, EPA would defer finalizing the proposed NPL listing. In order to finalize the listing at a later date if the potentially responsible party(ies) becomes unwilling or unable to perform work, EPA would need to respond to public comments on the proposed listing, address any concerns raised by such comments, and finalize the proposed rule to add the site to the NPL. In addition, EPA's final rule could be challenged in federal court. These activities likely would delay cleanup.

7. <!--[if
!supportLists]--
><!--[endif]--
>**We were led
to believe that
the site was
already listed
on the NPL –
please provide
clarification on
the process and
where it
currently
stands?**

A site is added to the NPL in accordance with a formal rulemaking process established by the Administrative Procedures Act. EPA published the proposed rule to add the CFAC site to the NPL on March 26, 2015, and established a public comment period. EPA received 77 public comments and has determined that the CFAC site qualifies for NPL listing. The site will be listed on the NPL only after EPA responds to public comments and publishes the final rule. EPA has committed not to list the site on the NPL any earlier than fall, 2016. For more information about the listing process, please visit the following web site:

<http://www.epa.gov/superfund/about-superfund-cleanup-process#tab-2>

From: Nylund, Erik
(Tester)
[\[mailto:Erik_Nylund@t ester.senate.gov\]](mailto:Erik_Nylund@t ester.senate.gov)
Sent: Monday,
February 22, 2016 4:25
PM
To: Russo, Rebecca
<Russo.Rebecca@epa.gov>
Cc: Campbell, Chad

(Tester)
<Chad_Campbell@test
er.senate.gov>

Subject: Re: CFAC

Thanks.

A couple clarifying items from the answers provided to the community questions. And also, we'd like to discuss community outreach. We think it would be helpful for you to hear where our concerns are based.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Russo, Rebecca
Sent: Monday, February 22, 2016 4:19 PM
To: Nylund, Erik (Tester)
Cc: Campbell, Chad (Tester)
Subject: RE: CFAC

Hi Erik,
I'm happy to chat with you and Chad tomorrow. Was there anything specific you'd like to discuss? It might be a more productive conversation if I can also bring in the appropriate site contact(s) for you. Let me know and I can arrange.
Thanks,
Rebecca

Rebecca A. Russo
Region 8 Congressional
and Intergovernmental
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Cell: 303-204-1930

From: Nylund, Erik
(Tester)
[\[mailto:Erik_Nylund@t ester.senate.gov\]](mailto:Erik_Nylund@t ester.senate.gov)
Sent: Monday,
February 22, 2016 3:42
PM
To: Russo, Rebecca
<Russo.Rebecca@epa.gov>
Cc: Campbell, Chad
(Tester)
<Chad_Campbell@tester.senate.gov>
Subject: CFAC

Hi Rebecca,

We have some issues still on CFAC. Chad and I were asked to circle back with you to have a conversation. Can you find a few minutes to chat with us tomorrow? We'll move things around to make it work on our end if you can find time.

Thanks,
Erik

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.